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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,811	07/22/2003	Robert Galli	P00623-US4	6637

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EXAMINER

CRANSON JR, JAMES W

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,811

Applicant(s)

GALLI, ROBERT

Examiner

James W. Cranson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 1-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/05/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawing are objected to because the claimed channel is not labeled if it is shown.

Specification

The specification is objected to because the word channel is not in the specification.

Claim Objections

Claims 1-9 and 10 -18 are objected to because of the following informalities: The word “channel” in lines 2 and 6 of independent claim 1 and in independent claim 10, lines 9,11 does not have antecedent basis in the specification.

Dependent claims 2,6,7,11, and 15 also include the word channel and are further objected to.

Most claims that have the word channel have not been further treated on the merits.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

As understood, claims 1- 4, are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,270,911 to Maglica et al. or USPN 4,688,705 to Miree.

As understood, claims 6-9, are rejected under 35 U.S.C. 102(b) as being anticipated USPN 4,688,705 to Miree.

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Both Miree and Maglica et al. disclose assemblies for removably receiving and supporting a flashlight comprising at least one mounting bracket and means for attaching said mounting bracket to a mounting surface

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

As understood, claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,612,714 to Morre et al.

Morre et al. discloses a belt clip and mounting receptacle for a flashlight including the combination of a flashlight and an assembly for mounting a flashlight.

Regarding claim 10, In combination, flashlight (15) and assembly for mounting (40) flashlight comprising: flashlight, a housing(18), a clip(20), mounting assembly, means for attaching said mounting bracket to a mounting surface

a mounting channel (49) having a first side (43), a second side (44) and a raised central portion (99) between said first and second sides,

at least one mounting bracket (50,51) connected to said mounting channel,

means (52,53) for attaching said mounting bracket to a mounting surface;

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said flashlight being attached to said mounting assembly wherein said second end of said clip is slideably received in said central portion of said mounting channel (figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 9-18, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,270,911 to Maglica et al. or USPN 4,688,705 to Miree in view of USPN 4,881,155 to Gahagan.

Both Miree and Maglica et al. disclose assemblies for removably receiving and supporting a flashlight comprising at least one mounting bracket and means for attaching said mounting bracket to a mounting surface.

Neither USPN 5,270,911 to Maglica et al. or USPN 4,688,705 to Miree include a magnet and a clip. Gahagan in a multipurpose flashlight teaches the use of both a magnet and a clip.

Regarding claims 5 and 9, according to claim 1, further including a magnet, flashlight and clip

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Miree or Maglica with a magnet as taught by Gahagan. The purpose

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of the magnet is to enable the flashlight to be easily magnetically mounted to any suitable nearby surface and the purpose of the clip is to make the flashlight attachable to a user.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Cranson whose telephone number is 571-272-2368. The examiner can normally be reached on Mon-Fri 8:30A.M.- 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).




Stephen Husar
Primary Examiner